

# Exhibit B

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

3 -----  
4 **BLACK LOVE RESISTS IN THE RUST, et al.,**  
5 **individually and on behalf of a class of**  
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.  
11 -----

12 **ORAL EXAMINATION OF DANIEL DERENDA**

13 **APPEARING REMOTELY FROM**

14 **BUFFALO, NEW YORK**

15  
16  
17 November 10, 2021

18 At 9:00 a.m.

19 Pursuant to notice  
20

21 REPORTED BY:

22 Rebecca L. DiBello, RPR, CSR(NY)

23 APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

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—DANIEL DERENDA—

1       A. All the chiefs, sometimes different detectives  
2       from different units. Again, I did not  
3       attend. I think I attended maybe one or two.  
4       Even as deputy -- when I was deputy  
5       commissioner Byron Lockwood also ran it then.

6                Again, every chief would be there.  
7       Maybe a representative from homicide or  
8       narcotics or from the intelligence. Maybe  
9       some outside agencies at times, different  
10      people.

11      Q. And was CompStat something that happened  
12      before you were the commissioner?

13      A. It happened -- yes. It happened probably  
14      right after -- I was deputy commissioner of  
15      operations from 2006 to 2010 and it went on  
16      then, yes.

17      Q. And what was the role of the CompStat meeting?

18               MR. QUINN: Object to the form. You can  
19      answer.

20      A. Again, information and to find out and make  
21      sure everybody was aware of what was going on,  
22      particularly the district chiefs and again to  
23      find a solution to the problems at hand.

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—DANIEL DERENDA—

1 Q. Did information from CompStat meetings or from  
2 the CompStat reports go into deciding where  
3 the Strike Force would be sent to do its work?

4 MR. QUINN: Object to the form. You can  
5 answer.

6 A. I imagine it would.

7 Q. But you weren't directly involved with that?

8 A. With what?

9 Q. Assigning the Strike Force areas?

10 A. At times I would request that they go  
11 somewhere, but I believe Deputy Commissioner  
12 Lockwood was -- well, I don't even know if he  
13 was assigning where they would go, but when I  
14 was deputy commissioner of operations I would  
15 assign the MRU.

16 As commissioner occasionally I would ask  
17 the Strike Force based on information I had to  
18 go to some areas, but I believe Deputy  
19 Commissioner Lockwood handled it then.

20 Q. Okay. The BPD also had a housing unit,  
21 correct?

22 A. Correct.

23 Q. And I'm going to mark as Derenda 4 a document

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~~DANIEL DERENDA~~

1 visibility to curtail a lot of those  
2 activities.

3 Q. So when you were picking specifically  
4 intersections for traffic checkpoints what  
5 information was going into selecting the  
6 specific intersections?

7 A. I don't recall picking specific intersections.  
8 Are you talking about MRU now or Strike Force?

9 Q. I believe I'm talking about the early days of  
10 the Strike Force.

11 A. So in Strike Force I believe I wasn't -- I  
12 would occasionally tell them to be in this  
13 certain area, but I don't recall specifically  
14 on a day-to-day routine of picking locations  
15 and/or places. I believe Lockwood was doing  
16 the locations of the roadblocks. I did for  
17 MRU way back as deputy commissioner and,  
18 actually, the lieutenants at times picked the  
19 locations specific for roadblocks.

20 We would pick the areas that I wanted  
21 them to target, meaning what was going on,  
22 based on what was going on, is what I best  
23 recall.

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~~DANIEL DERENDA~~

1           Once I became commissioner MRU  
2           disappeared and we disbanded the unit and we  
3           re-formed the Strike Force. I don't know how  
4           many years in between. I didn't have -- it  
5           was no longer my job to be assigning them to  
6           different locations. You have deputy  
7           commissioner of operations. Lockwood overseen  
8           the housing. We put him in charge of housing,  
9           Strike Force and the schools because we put  
10          him all together so he overseen those units  
11          and, generally speaking, he would assign them  
12          where they would be.

13               Occasionally maybe I would chime in  
14               based on something, based on somebody  
15               requesting that I knew about, but the  
16               day-to-day stuff I didn't handle. I had too  
17               many other things on my plate that I didn't  
18               have years before.

19          Q. Now, you expected Strike Force officers to  
20               issue a lot of traffic tickets, right?

21          A. I expected Strike Force officers to be  
22               proactive and out doing their job making  
23               arrests, writing summonses, writing parking

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1           who? Lockwood?

2           Q. Yes.

3           A. Because at the time Beaty or Lockwood actually  
4           was the administrative who would have overseen  
5           the academy, but we also had Kim Beaty looking  
6           over the academy, too. Basically Joe Strano  
7           was administrative. He did budget, finance  
8           and all of the above, so I would have sent it  
9           to them to review also.

10          Q. Did you read the DOJ report on Ferguson?

11          A. I don't recall reading it. If I got the email  
12          I probably did.

13          Q. What is your understanding of what the DOJ's  
14          report contained?

15          A. I don't recall reading it, so I can't give you  
16          my understanding of it.

17          Q. You must have thought that the Ferguson report  
18          had some relevance to the BPD because you sent  
19          it to three BPD officials, right?

20                   MR. QUINN: Form.

21          A. I don't recall reading it and I don't recall  
22          why I sent it, but it would be for them to  
23          read also.

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1 BPD's use of checkpoints?

2 A. I do not recall that.

3 Q. I'm marking as Derenda 61 a document  
4 identified as COB080149. And this is a copy  
5 of a resolution passed by the common council  
6 at the July 25th, 2017 meeting concerning the  
7 Buffalo Police Department checkpoint policy.  
8 Does this document refresh your memory?

9 A. It does not. Vaguely.

10 Q. You would have received a copy of the  
11 resolution, right?

12 A. Yes.

13 Q. And would you have tasked anybody with  
14 responding to the council or did you manage  
15 the response personally?

16 A. I would have probably tasked Lockwood in  
17 responding to that.

18 Q. And the resolution is directing you to produce  
19 a report on the use of checkpoints and to  
20 provide data on the location, frequency and  
21 results of the checkpoints covering the period  
22 of three years to date.

23 Do you recall how you responded to the

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1 type of misconduct is thoroughly investigated,  
2 right?

3 A. What complaint are we speaking of?

4 Q. Well, we are going to talk about some specific  
5 complaints, but I am speaking generally. If a  
6 complaint alleged excessive force and racial  
7 bias it would be your responsibility to ensure  
8 that both the excessive force allegation and  
9 the racial bias allegation were investigated,  
10 right?

11 A. Internal Affairs would investigate both,  
12 correct.

13 MR. QUINN: Form.

14 Q. And it was your responsibility to ensure that  
15 that happened, right?

16 A. It did happen, correct.

17 Q. And you would also have responsibility for  
18 ensuring that each separate allegation  
19 resulted in a disposition?

20 MR. QUINN: Form.

21 A. Each complaint would result in a disposition.  
22 It would take a complaint as one. It might  
23 have multiple parts to it, but it would be one

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1 deposition. They would do an investigation.  
2 We would do an informal hearing. We would see  
3 what evidence was there, what we could prove  
4 or not prove, whether to remove the charges or  
5 not sustained.

6 Everything would be investigated. We  
7 would sit down and do file review once a week  
8 and investigate -- when the investigator was  
9 done with the complaint we would layout what  
10 they have, what the complaint is, what we can  
11 prove, what we couldn't prove.

12 We'd have an attorney from law sitting  
13 at the table with us and we would make the  
14 best decisions based on the information we had  
15 and what we could prove to an arbitrator.

16 Q. So let's boil that down a little bit. You  
17 said you had a file review once a week?

18 A. About once a week. Sometimes less, sometimes  
19 more depending on the number of cases piling  
20 up. Depending on how many investigations were  
21 complete.

22 Q. And was the file review only of investigations  
23 that were complete or did you also discuss

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1 investigations underway?

2 A. Complete and move towards a disposition.

3 Q. And who would be present at these meetings?

4 A. The Internal Affairs inspector, Deputy  
5 Lockwood, the other deputy, Deputy Beaty at  
6 times, corporation counsel, an attorney, a BPD  
7 attorney, and then we'd also have the  
8 investigators come and present their case.

9 This would be after they were done with  
10 their investigation. We can present it for  
11 whether we're going to press charges, not  
12 sustain whatever outcome, whatever it was  
13 would be determined after we listened to each  
14 individual investigator about each individual  
15 investigation.

16 Q. And you said a corp counsel attorney and a BPD  
17 attorney. Are those the same person or two  
18 different people?

19 A. The same person.

20 Q. Okay. Were you notified when an investigation  
21 was opened?

22 A. Excuse me? I didn't hear that.

23 Q. Were you notified when an investigation was

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~~DANIEL DERENDA~~

1           circumstances. That would probably be a  
2           question for Stacey Lewis, that particular --

3           Q. I'm going to mark as Derenda 81 a photo of  
4           Rasheed Roper's license plate. This is from  
5           the Internal Affairs file.

6                     Do you agree with me that the plate is  
7           not obstructed?

8                     MR. QUINN: Form.

9           A. Yes.

10          Q. And do you agree that the plate is fully  
11          affixed to the car; it's not hanging off on  
12          one side or another side?

13                    MR. QUINN: Form.

14          A. Yes.

15          Q. Would you issue a ticket for a license plate  
16          in this condition?

17          A. Would I? No.

18          Q. Derenda 82 is the Complaint Disposition Form  
19          for the complaint filed by Mr. Roper. It's  
20          dated February 10th, 2016 and in this case you  
21          classified the complaint as not sustained and  
22          you also ordered a conference with DPC  
23          Lockwood?

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~~DANIEL DERENDA~~

1 A. Apparently, yes.

2 Q. When you made this determination would you  
3 have considered Officer Hy's disciplinary  
4 history?

5 MR. QUINN: Form.

6 A. I don't recall the particular case so I don't  
7 know what I would have considered. You're  
8 showing me a snapshot of sheets of  
9 dispositions. Doesn't really go through the  
10 facts of the case and/or -- again, I keep  
11 going back to in many cases complainants stop  
12 being cooperative, so I don't know what took  
13 place or what didn't.

14 Q. Well, these are not files where complainants  
15 are not being cooperative. These are full  
16 investigatory files, the investigation  
17 reports, the site interviews with the  
18 complainant. In this case there was a letter  
19 from the complainant about the incident.  
20 There was a picture of the license plate that  
21 we looked at and you agreed that there was  
22 nothing wrong with the license plate.

23 What was the basis for your

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